

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 2-19-03

237

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-11</b>
ITEM DESCRIPTION: Preliminary Plat #02-64 by Bigelow Enterprises to be known as Kingsbury Hills Fourth and Design Modification to eliminate 2 mid-block pedestrian connections and request for a Substantial Land Alteration Permit.		PREPARED BY: Mitzi A. Baker, Senior Planner

February 12, 2003

### City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on January 22, 2003 to consider this preliminary plat.

The Planning Commission recommended approval of Preliminary Plat #02-64, subject to the following modifications and conditions. Staver moved, Quinn seconded, the motion carried 6-0.

- Storm water management must be provided, and a storm water management fee will apply to any areas of this proposed development that participate in the City's Storm Water Management Plan, and do not drain to an existing on-site detention facility. Additionally, off site easements are required for the storm water, discharge to areas outside of this subdivision, and for proposed sanitary sewer and watermain that extend beyond the plat boundaries.*
- "No Parking" signs shall be posted along 50<sup>th</sup> St. NW, within 200 feet of the right-of-way intersection with 60<sup>th</sup> Ave. NW.*
- Parkland dedication requirements shall be met via: deferred land dedication and cash in lieu of land per the December 30, 2002 memorandum from Rochester Park and Recreation.*
- Following Final Plat, Outlots "A", "B", "C", "D", "E" and "F" shall be dedicated to the City.*
- Pedestrian facilities are required along both sides of all new public roads, as well as a bituminous path along the entire southerly frontage of 55<sup>th</sup> Street NW, and the easterly frontage of 60<sup>th</sup> Ave. NW. IN addition, the Developer is obligated to construct the 10 foot wide bituminous paths in Outlots "C" through "F". Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations related to pedestrian facilities, including its cash contribution requirements for facilities that the City will be constructing.*
- Controlled access is required along the entire frontage of 55<sup>th</sup> St. NW, and 60<sup>th</sup> Ave. NW, with the exception of any approved street accesses. Additional controlled access is required along the entire frontage of Lot 1, Block 3, and Lot 1, Block 1 that abut 58<sup>th</sup> Ave. NW, and along the entire frontage of Lot 33, Block 1, and Lot 1, Block 2 abutting 51<sup>st</sup> St. NW, and along the entire frontages of Lot 14, Block 2, and the westerly 30.96 feet of frontage of Lot 1, Block 12, abutting Kingsbury Drive NW.*
- Adequate public facilities are not currently in place to serve this proposed development. The timing for development of this subdivision is dependant on the extension of Trunkline Sanitary Sewer to provide gravity service. The timing of construction, and financial obligations of the Owner, shall be addressed for the infrastructure that is needed to meet the "Adequate Public Facilities" requirement in the LDM, prior to Final Plat approval.*
- Wetlands exist on this property. Approval is contingent upon obtaining appropriate permits to fill or otherwise disturb wetlands. No grading work is to occur within Wetland areas prior to securing proper permits.*

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

238

9. *The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.*
10. *The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.*
11. *Hydrant spacing identified on the preliminary plat is inadequate. Additional hydrants, meeting the requirements shall be provided with the final construction plans.*
12. *Roadway names shall be modified as identified in the December 27, 2002 memorandum from the Planning Department addressing staff and shall be reflected on the Final Plat application.*
13. *Lot 1, Block 12, or a portion thereof, may need to be reserved for future right-of-way needs. Prior to Final Plat application for this portion of the development, a determination will need to be made relative to future right-of-way needs for 60<sup>th</sup> Ave. NW. The Final Plat shall be modified to reserve additional land for future right-of-way for 60<sup>th</sup> Ave., if determined necessary.*

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### **Council Action Needed:**

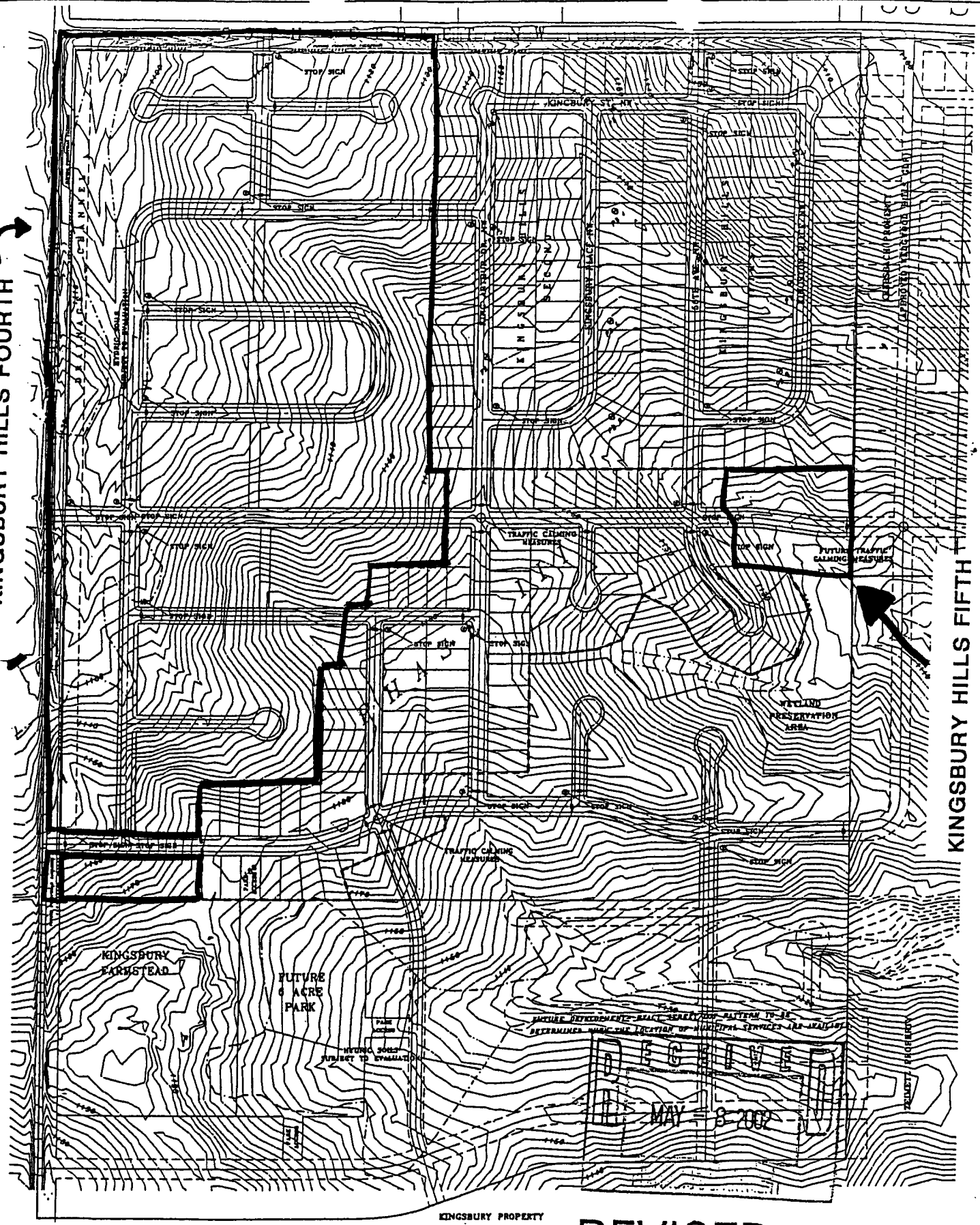
1. *The Council may approve, approve with conditions, or deny the Land Subdivision Permit, Design Modification and Substantial Land Alteration Permit. The Council must make findings of fact as a basis for the decision.*
- 

### **Distribution:**

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. Applicant: This item will be considered sometime after 7:00 p.m. on Wednesday February 19, 2003, in the Council/Board Chambers at the Government Center, 151.4th Street SE.
7. McGhie & Betts, Inc.

KINGSBURY HILLS FOURTH

KINGSBURY HILLS FIFTH



RECEIVED  
MAY 8 2002

KINGSBURY PROPERTY

REVISED



651 LOTS  
203 ACRES  
3.2 UNITS/ACRE

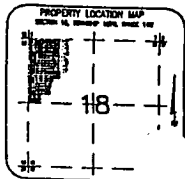
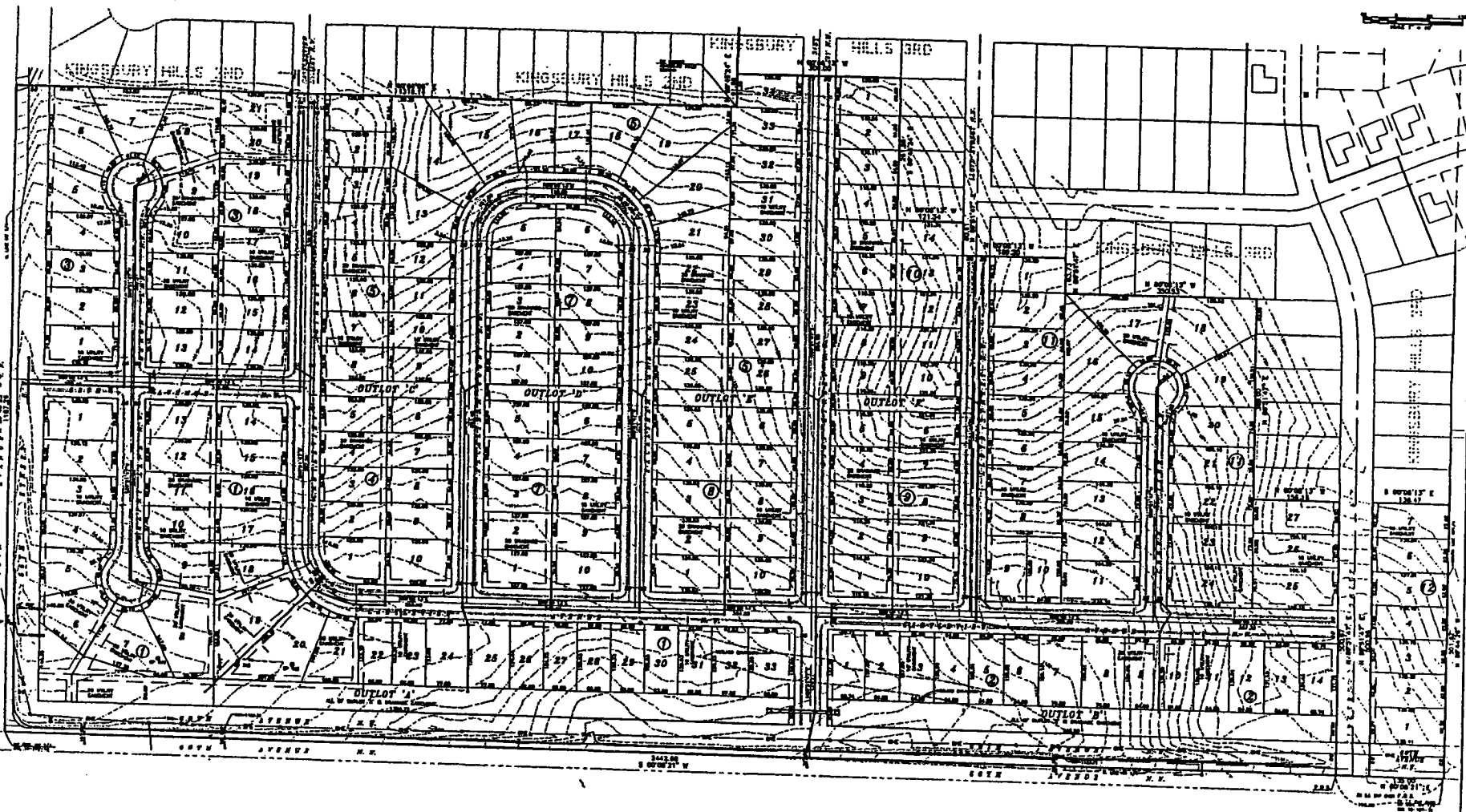
RECOMMENDED FOR APPROVAL BY:	
DATE	CHANGED
APPROVED BY THE BOARD OF DIRECTORS:	
DATE	APPROVED

Lot	Area	Owner
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GENERAL DEVELOPMENT PLAN  
KINGSBURY HILLS  
ROCHESTER, MN

242

[illegible]

KINGSBURY HILLS FOURTH	
SITE DATA SUMMARY	
TOTAL ACREAGE	91.01
ACREAGE DEVOTED TO PUBLIC USE	15.46
RANGE OF LOT# 8-1 ZONE	200
RANGE OF OVERLAP	1

**OWNER & DEVELOPER**  
JAL. BELL & JON. BELL, INC.

SECRET

**RECEIVED**  
**U.S. DEPARTMENT OF JUSTICE**  
**WASHINGTON, D.C. 20535**  
**DATE: 10-10-68**  
**TO: DIRECTOR, FBI**

**FROM: SAC, NEW YORK (100-100000)**

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LEAVE

23 2002

Ref: 2012.122



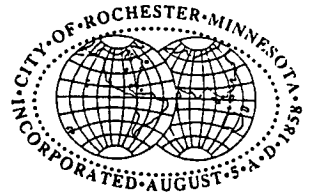
## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*

[www.olmstedcounty.com/planning](http://www.olmstedcounty.com/planning)



**TO: City Planning and Zoning Commission**

**FROM: Mitzi A. Baker, Senior Planner**

**DATE: January 16, 2003**

**RE: Preliminary Plat # 02-64 to be known as Kingsbury Hills Fourth, by Bigelow & Sons Enterprises. The plat contains 61.81 acres to be subdivided into 200 single-family home lots and 6 outlots. The plat includes a request for a Design Modification to eliminate 2 mid-block pedestrian connections between the proposed Castlevue Ave. NW & 60<sup>th</sup> Ave. and a Substantial Land Alteration Permit to allow grade changes in excess of 10 feet. The property is located at the SE corner of 55<sup>th</sup> St. NW & 60<sup>th</sup> Ave. NW.**

### **Planning Department Review:**

**Applicant/Owner:**

Bigelow Enterprises  
706 County Road 3 NW  
Byron, MN 55920

**Surveyors/Engineers:**

McGhie & Betts, Inc.  
1648 Third Ave. SE  
Rochester, MN 55904

### **Summary:**

The applicant is proposing to subdivide approximately 61.81 acres of land into 200 lots for single-family development and 6 outlots. This plat proposes the dedication of several new public roadways, that include extensions of roads in the existing Kingsbury Hills subdivisions and a connection to 60<sup>th</sup> Ave. NW. The property is zoned R-1 (Mixed Single Family).

Stormwater management proposed with this development will not be on-site. The applicant intends to participate in the City's regional storm water management plan.

This development would generate a need for approximately 240 spillover parking spaces. These spill-over stalls could be accommodated on-street as well as within individual driveways.



A future park is identified to the south of this plat. Parkland dedication for this plat will need to be met via a combination of deferred land and cash in lieu of land.

This property is included in the Kingsbury Hills General Development Plan. At the time of the GDP (and Kingsbury Hills 3<sup>rd</sup>) review, it was noted that adequate public facilities did not exist to serve this development, beyond Phase III. The applicant is now proposing to plat beyond Phase III, and to include areas previously identified as not having sanitary sewer service. Rochester Public Works has informed the Planning Department that the City has budgeted funds in 2003 to provide sewer capacity for this area and that a City Owner Contract with Bigelow will be needed to extend the sewer from Weatherstone to Kingsbury Subdivision.

Development of this property will need to be timed to coincide with the availability of sanitary sewer service.

60<sup>th</sup> Ave. NW is designated an Arterial on the Long Range Thoroughfare Plan. Currently, the Rochester Urban Service Area Land Use Plan and Olmsted County Land Use Plan identify the western limits of the City of Rochester urban growth boundary at 60<sup>th</sup> Avenue. An amendment to the Olmsted County Land Use Plan is currently under consideration, however, to designate land west of 60<sup>th</sup> Avenue as being within the 25 Year Urban Service Area for the City of Rochester. The City recently agreed to infrastructure improvements that would serve land west of 60<sup>th</sup> Avenue. Considering the potential for additional development in this area it is important to further evaluate long term right-of-way needs for 60<sup>th</sup> Avenue, which could exceed 60' from center. Since that is the case, staff suggests that Lot 1, Block 12, or a portion thereof, may need to be reserved for future right-of-way needs. Prior to Final Plat application for this portion of the development, a determination will need to be made relative to future right-of-way needs for 60<sup>th</sup> Ave. NW.

#### **Design Modification:**

The applicant is requesting a design modification or waiver of public facility standards for a plat according to Section 60.424 (9) to modify the requirement of Chapter 64 (specifically 64.277) of the Rochester Zoning Ordinance and Land Development Manual. Section 64.277 requires mid-block connections across any block exceeding 800 feet in length, and identifies other circumstances when pedestrian connections are required.

The applicant is requesting a Design Modification (waiver) to two required mid-block pedestrian connections. Both are connections that would provide a pedestrian link between "Castleview Ave. NW" and 60<sup>th</sup> Ave. NW. A primary concern with these two mid-block connections would be topography. They would need to be designed to cross a 50' wide, 4' deep drainage channel.

Section 64.227 of the LDM outlines the requirements for Trail Thoroughfares and Sidewalks, including mid-block connections. This Section recognizes that physical conditions may occasionally make these connections unfeasible and states that "the City shall require dedication of trails needed to maintain connectivity between and through subdivisions....except where unique topographical conditions make the trails unfeasible".

Section 60.424 (9) of the LDM provides for Design Modifications to Public Facility Standards, as follows:

- a) Modification to the requirements of Chapter 64 may be approved as part of the review of any general development plan, land subdivision permit, or final plat where the applicant can show by reason of exceptional topography or any other physical condition that strict compliance with these regulations would cause undue hardship or that such relief would not be a detriment to the public welfare and would not impair the intent and purpose of the regulations.

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Rochester Public Works informed Planning staff that they support the design modification as requested. ***Staff recommends approval of the design modification as requested.***

**Substantial Land Alteration:**

This application includes a request for approval of land disturbing activities defined as Substantial Land Alteration according to Section 61.1101, 2, a) of the Rochester Zoning Ordinance and Land Development Manual (LDM). Section 61.1102 of the LDM allows the City to consider a request for excavation or substantial land alteration as part of a Type III application, such as a plat, subject to making findings established in Section 62.1105 and 61.146 of the LDM.

Sections 61.146 and 62.1105 of the LDM are attached.

The applicant is requesting approval for grading work that includes altering grades by 10 feet or more in five locations in or adjacent to this Plat. The attached plan identifies four fill and one cut area areas that will exceed 10 feet of grade change. Please see the attached plan and narrative prepared by McGhie & Betts, Inc.

**Suggested Findings for Substantial Land Alteration:**

Regarding findings for Section 62.1105, staff suggests the findings as written can be made, with the exception of #13 and #14. Staff suggest the following findings for those two items:

*#13) The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.*

*#14) The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.*

**The Planning Staff would suggest the following findings for Section 61.146:**

- 1) *Not applicable.*
- 2) *Not applicable.*
- 3) *Not applicable.*
- 4) *The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.*
- 5) *Not applicable.*
- 6) *Not applicable.*
- 7) *Not applicable.*
- 8) *Not applicable.*

Staff recommends approval contingent upon the following, which should be incorporated as conditions on the Plat:

1. Wetlands exist on this property. Approval must be contingent upon obtaining appropriate permits to fill or otherwise disturb wetlands. No grading work is to occur within Wetland areas prior to securing proper permits.
2. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.

3. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

**Plat Review and Recommendation:**

Staff would recommend the following conditions/modifications to insure the applicable criteria (61.225) are met:

1. **Storm water management must be provided, and a storm water management fee will apply to any areas of this proposed development that participate in the City's Storm Water Management Plan, and do not drain to an existing on-site detention facility. Additionally, off site easements are required for the storm water discharge to areas outside of this subdivision, and for proposed sanitary sewer and watermain that extend beyond the plat boundaries.**
2. **"No Parking" signs shall be posted along 50<sup>th</sup> St. NW, within 200 feet of the right-of-way intersection with 60<sup>th</sup> Ave. NW.**
3. **Parkland dedication requirements shall be met via: deferred land dedication and cash in lieu of land per the December 30, 2002 memorandum from Rochester Park and Recreation.**
4. **Following Final Plat, Outlots "A", "B", "C", "D", "E" and "F" shall be dedicated to the City.**
5. **Pedestrian facilities are required along both sides of all new public roads, as well as a bituminous path along the entire southerly frontage of 55<sup>th</sup> Street NW, and the easterly frontage of 60<sup>th</sup> Ave. NW. IN addition, the Developer is obligated to construct the 10 foot wide bituminous paths in Outlots "C" through "F". Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations related to pedestrian facilities, including its cash contribution requirements for facilities that the City will be constructing.**
6. **Controlled access is required along the entire frontage of 55<sup>th</sup> St. NW, and 60<sup>th</sup> Ave. NW, with the exception of any approved street accesses. Additional controlled access is required along the entire frontage of Lot 1, Block 3, and Lot 1, Block 1 that abut 58<sup>th</sup> Ave. NW, and along the entire frontage of Lot 33, Block 1, and Lot 1, Block 2 abutting 51<sup>st</sup> St. NW, and along the entire frontages of Lot 14, Block 2, and the westerly 30.96 feet of frontage of Lot 1, Block 2, abutting Kingsbury Drive NW.**
7. **Adequate public facilities are not currently in place to serve this proposed development. The timing for development of this subdivision is dependant on the extension of Trunkline Sanitary Sewer to provide gravity service. The timing of construction, and financial obligations of the Owner, shall be addressed for the Infrastructure that is needed to meet the "Adequate Public Facilities" requirement in the LDM, prior to Final Plat approval.**
8. **Wetlands exist on this property. Approval is contingent upon obtaining appropriate permits to fill or otherwise disturb wetlands. No grading work is to occur within Wetland areas prior to securing proper permits.**



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9. *The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.*
10. *The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.*
11. *Hydrant spacing identified on the preliminary plat is inadequate. Additional hydrants, meeting the requirements shall be provided with the final construction plans.*
12. *Roadway names shall be modified as identified in the December 27, 2002 memorandum from the Planning Department addressing staff and shall be reflected on the Final Plat application.*
13. *Lot 1, Block 12, or a portion thereof, may need to be reserved for future right-of-way needs. Prior to Final Plat application for this portion of the development, a determination will need to be made relative to future right-of-way needs for 60<sup>th</sup> Ave. NW. The Final Plat shall be modified to reserve additional land for future right-of-way for 60<sup>th</sup> Ave., if determined necessary.*

**REMINDER TO APPLICANT:**

- *Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final plat application if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.*
- *Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.*

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ROCHESTER PARK AND RECREATION DEPARTMENT  
201 FOURTH STREET SE  
ROCHESTER MINNESOTA 55904-3769  
TELE 507-281-6160  
FAX 507-281-6165



MEMORANDUM

DATE: December 30, 2002

TO: Jennifer Garness  
Planning

RE: Kingsbury Hills 4<sup>th</sup>  
Preliminary Plat # 02-64

Acreage of plat.....	61.81 a
Number of dwelling units.....	200 units
Density factor.....	.0244
Dedication .....	4.88 a
Fair market value of land.....	\$15,000 / a

The Park and Recreation Department recommends that dedication requirements be met via: a combination of deferred land and cash in lieu of land.

The deferred land dedication (3.85 acres) to be land identified on the approved GDP as a 6.0 acre neighborhood park. The applicant has previously deferred 2.15 acres with the approval of Kingsbury Hills 3<sup>rd</sup>. The land to be dedicated when the park site is graded by the applicant and accessible via public street or when the City wishes to begin development of the park.

The balance of the dedication (1.03) to be in the form of cash in lieu of land with payment due prior to recordation of the final plat.

Outlots C-F (mid block connections) should be graded and seeded to turf by the applicant prior to deeding to the City.

# ROCHESTER

— Minnesota —

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TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 1/13/03

The Department of Public Works has reviewed the application for PP#02-64, for the proposed Kingsbury Hills 4th development. The following are Public Works comments on the proposal:

1. A Development Agreement has been executed for this property.
2. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.
3. Storm Water Management must be provided for this development. If participation in the City's Storm Water Management Plan (SWMP) is approved, a Storm Water Management fee will apply for the benefit of participation for those areas where on-site detention is not provided.
4. Outlots "A" & "B" shall be dedicated to the City for conveyance of drainage.
5. Public Works does not support the Developer's proposal to design the drainage swale within Outlot "A" and Outlot "B" as a wetland replacement area, as this area will be needed in the future for 60<sup>th</sup> Ave ROW.
6. Outlots "C", "D", "E", & "F" shall be dedicated to the City for the required mid-block pedestrian path connection.
7. Prior to development of this property, a City-Owner Contract must be executed to address the construction of all public infrastructure and utilities to serve this subdivision.

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# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

8. Pedestrian facilities will be required along both sides of all new public roads within this property, as well as, a bituminous path along the entire southerly frontage of 55<sup>th</sup> St NW, and the easterly frontage of 60<sup>th</sup> Ave NW. In addition, the Developer is obligated to construct the 10 foot wide bituminous paths on the Outlots specified in #5 above. Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations related to pedestrian facilities, including its cash contribution requirement for facilities that the City will be constructing.
9. Controlled access is required along the entire frontage of 55<sup>th</sup> St NW, and 60<sup>th</sup> Ave NW, with the exception of any approved street accesses. Additional controlled access is required along the entire frontage of Lot 1, Block 3, and Lot 1, Block 1, that abut 58<sup>th</sup> Ave NW, and along the entire frontage of Lot 33, Block 1, and Lot 1, Block 2, abutting 51<sup>st</sup> St NW, and along the entire frontage of Lot 14, Block 2, and westerly 30.96 feet of the Frontage of Lot 1, Block 2, abutting Kingsbury Dr NW.
10. Adequate public facilities are not currently in place to serve this proposed development. The timing for development of this subdivision is dependant on the extension of Trunkline Sanitary Sewer to provide gravity service. The timing of construction, and financial obligations of the Owner, shall be addressed for the infrastructure that is needed to meet the "Adequate Public Facilities" requirement in the LDM, prior to Final Plat approval
11. Public Works is supportive of the requested design modification to eliminate the pedestrian mid-block connections to 60<sup>th</sup> Ave NW.

# ROCHESTER

— Minnesota —

249

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

Charges/fees applicable to the development of this property are addressed in the Development Agreement, and include:

- ❖ Sewer Availability Charge (SAC) for the remainder of this property that would naturally drain to Sewer District 28G at the rate established for that District (yet to be determined).
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- ❖ A Stormwater Management Fee @ \$2211.76 per acre, for any area of this property that does not drain toward a detention facility, constructed by the Owner, to serve this property.
- ❖ Storm Water Management District (SWMD) charge for Section 7 @ \$1082.60 per gross acre
- ❖ Northwest Transportation Improvement District (NWTID) @ \$2007.14 per gross acre
- ❖ Traffic Signs as determined by the City Engineer.

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## WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Preliminary Plat #02-63<sup>4</sup> Kingsbury Hills 4th

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☒ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

**Hydric soils exist in a drainageway that parallels 60<sup>th</sup> Ave. NW.**

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PUBLIC WORKS DEPARTMENT  
2122 CAMPUS DR SE - SUITE 200  
ROCHESTER MN 55904-4744  
www.olmstedpublicworks.com  
507.285.8231

January 3, 2003

Jennifer Garness  
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the Preliminary Plat #02-64 to be known as Kingsbury Hills Fourth by Bigelow & Sons Enterprises and has the following comments:

- ***60<sup>th</sup> Ave. N.W. is shown on the Long Range Thoroughfare Plan as an arterial roadway.***

Sincerely,

Michael Sheehan  
County Engineer

MTS:bw



T:\PWDATA\ENG\INDOC\PLANZONE.DOC

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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The hand to reach for...  
DAVID A. KAPLER  
Fire Chief

DATE: January 10, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher  
Fire Protection Specialist

SUBJ: Preliminary Plat #02-64  
Kingsbury Hills 4<sup>th</sup> Subdivision  
SE corner of 55<sup>th</sup> Street NW & 60<sup>th</sup> Ave NW

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
  - a. The hydrant spacing along both Excalibar Court NW and Excalibar Lane NW is inadequate and will require the addition of fire hydrants. A fire hydrant will be required at the property line between lot 5 and out-lot D on Excalibar Court NW. A fire hydrant will be required at the property line between lot 6 and out-lot D on Excalibar Lane NW. A fire hydrant will be required at the property line between lot 5 and lot 6 at the East end of Excalibar Court NW.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
  - a. Cul-de-sac less than 96 feet in diameter shall be marked "No Parking" around the circumference of the cul-de-sac.
  - b. Roadways less than 28 feet in width shall be marked "No Parking" on both sides of the roadway. Roadways less than 36 feet in width shall be marked "No Parking" on one side of the roadway.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division



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# Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060

2900 48<sup>th</sup> Street N.W.

Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

January 7, 2003

Jennifer Garness  
Rochester Olmsted Planning Department  
2122 Campus Drive SE - Suite 100  
Rochester, MN 55904

**RE: Preliminary Plat #02-62, by Leslie A. Lurken to be known as Wedgewood Hills 6<sup>th</sup>. The property is located along the south of Duvall Street NW and allows for the continuation of 54<sup>th</sup> Avenue NW.**

**Preliminary Plat #02-64 to be known as Kingsbury Hills Fourth, by Bigelow & Sons Enterprises. The property is located on the SE corner of 55<sup>th</sup> Street NW & 60<sup>th</sup> Avenue NW.**

**Preliminary Plat #02-65 to be known as Kingsbury Hills Fifth Subdivision, by Bigelow & Sons Enterprises. The property is located east of the present dedicate right-of-way for 51<sup>st</sup> Street NW in Kingsbury Hill Third Subdivision.**

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Although these developments do not have direct access to Mn/DOT roadways, it is most likely TH 52 will be accessed via 55<sup>th</sup> Street. Mn/DOT is interested in the City of Rochester's study of traffic impacts from growth in north Rochester.

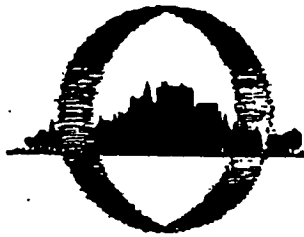
Thank you for keeping Mn/DOT informed. Any questions you have may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in cursive script that reads "Dale E. Maul".

Dale E. Maul  
Planning Director

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COUNTY OF

*Olmsted*



Rochester-Olmsted Planning Department  
GIS/Addressing Division  
2122 Campus Drive SE  
Rochester, MN 55904-4744  
Phone: (507) 285-8232  
Fax: (507) 287-2275

## PLAT REFERRAL RESPONSE

**DATE:** December 27, 2002

**TO:** Jennifer Garness

**FROM:** Randy Growden  
GIS/Addressing Staff  
Rochester-Olmsted County  
Planning Department

**CC:** Josh Johnson (McGhie and Betts)

**RE:** KINGSBURY HILLS FOURTH

### PRELIMINARY PLAT #02-64

A review of the preliminary plat has turned up the following ADDRESS and ROADWAY related issues.

1. The roadway illustrated as 58 Avenue NW lies much closer to the 5900 addressing grid line.

**RECOMMENDATION:** Change 58 Avenue NW to 59 Avenue NW.

2. The southern portion of Excalibar Court NW has the roadway type lane instead of court.

**RECOMMENDATION:** Change roadway type to COURT.

3. The spelling of Excalibar needs to be checked as I see the spelling as EXCALIBUR.

**RECOMMENDATION:** Josh Johnson will check this out and keep me informed.

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4. The two roadways illustrated as CASTLEVIEW STREET NW and CASTKLEVIEW AVENUE NW will need to have roadway type changed.

**RECOMMENDATION:** Change both Castlevew Street NW and Castlevew Avenue NW to **CASTLEVIEW DRIVE NW**. (RCA will be done after this plat is recorded to change roadway in Kingsbury Hills Second to match this. No change of addressing will be needed.)

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January 7, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #02-64 by Joel Bigelow & Sons Enterprises, Inc. to be known as Kingsbury Hills Fourth, a Design Modification to eliminate 2 mid-block pedestrian connections and a Substantial Land Alteration Permit to allow grade changes in excess of 10'.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

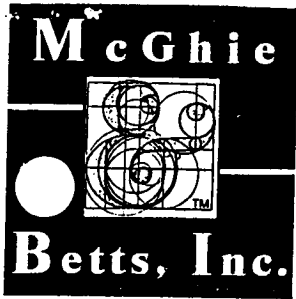
1. Static water pressures within this area will range from 47 to 76 PSI.
2. Minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention Bureau  
Gary Schick, Building & Safety  
Josh Johnson, McGhie & Betts, Inc.  
Joel Bigelow & Sons Enterprises, Inc.



Rochester  
Minnesota

Land Surveying  
Urban - Land Planning  
Consulting - Civil Engineering  
Geotechnical Engineering  
Construction Material Testing  
Landscape Architecture

## DESIGN MODIFICATION

December 16, 2002

Mr. Brent Svenby  
Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

Re: Kingsbury Hills Fourth  
Rochester, Minnesota

Dear Mr. Svenby:

On behalf of our client, Bigelow Enterprises, we are requesting a design modification to the requirement of two mid-block connections for the Kingsbury Hills Fourth subdivision. Both mid-block connections link Castlevue Avenue NW (proposed) to 60<sup>th</sup> Avenue NW (existing) as are shown on the attached plan.

The following reasons are given to support the request for the design modification.

1. The proposed pedestrian facilities would need to span a proposed 50' wide, 4' deep drainage channel. Several large culverts would need to be installed in order to bridge the channel which may be an attractive nuisance to the public. The channel is also to be designed as a wetland replacement area (bioswale). Installation of culverts would seem to be contradictory to the idea of a natural habitat area.
2. The proposed pedestrian facilities may encourage crossing 60<sup>th</sup> Avenue NW at intervals that are not anticipated by motorists. Future reconstruction of 60<sup>th</sup> Avenue NW would most likely have pedestrian crossings identified at 51<sup>st</sup> Street NW and Kingsbury Drive NW. We feel that funneling pedestrians within the development to these streets would provide an anticipated, predictable, and safer roadway crossing.

If you have any questions or need additional information, please do not hesitate to call me.

Very truly yours,

McGHIE & BETTS, INC.

Gregory R. Bond, P.E.

encls.

pc: Richard Freese  
Ward Optiz

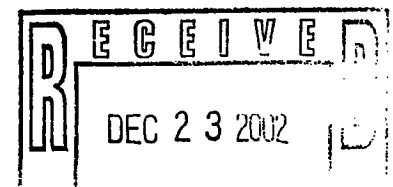
Mike Nigbur  
Josh Johnson

48 Third Avenue S.E.  
Rochester, MN 55904

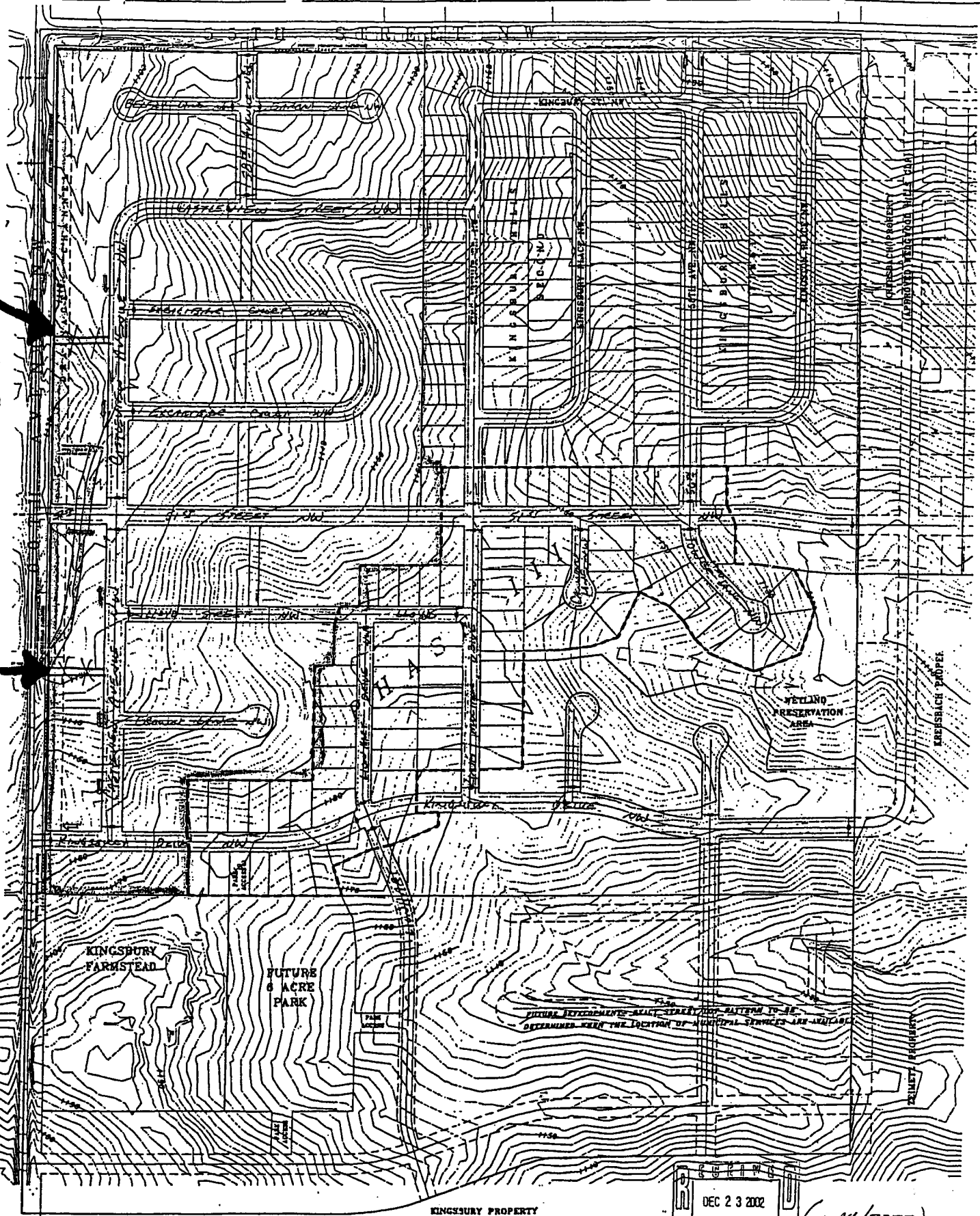
Tel. 507.289.3919  
Fax. 507.289.7333

e-mail. mcghiebetts.com

Established 1946



# DESIGN MODIFICATION



**KINGSBURY PROPERTY**

DEC 23 2002

(1084/2377)



651 LOTS  
203 ACRES  
3.2 UNITS/ ACRE

RECOMMENDED FOR APPROVAL BY:

DATE PLANNING COMPLETED

SIGNATURE

DATE

APPROVED BY THE CHIEF OF POLICE

SIGNATURE

DATE

DATE	DESCRIPTION	AMOUNT
10/1/78	100.00	100.00
10/2/78	100.00	100.00
10/3/78	100.00	100.00
10/4/78	100.00	100.00
10/5/78	100.00	100.00
10/6/78	100.00	100.00
10/7/78	100.00	100.00
10/8/78	100.00	100.00
10/9/78	100.00	100.00
10/10/78	100.00	100.00
10/11/78	100.00	100.00
10/12/78	100.00	100.00
10/13/78	100.00	100.00
10/14/78	100.00	100.00
10/15/78	100.00	100.00
10/16/78	100.00	100.00
10/17/78	100.00	100.00
10/18/78	100.00	100.00
10/19/78	100.00	100.00
10/20/78	100.00	100.00
10/21/78	100.00	100.00
10/22/78	100.00	100.00
10/23/78	100.00	100.00
10/24/78	100.00	100.00
10/25/78	100.00	100.00
10/26/78	100.00	100.00
10/27/78	100.00	100.00
10/28/78	100.00	100.00
10/29/78	100.00	100.00
10/30/78	100.00	100.00
10/31/78	100.00	100.00
TOTAL		3000.00



700 CTY 408 3 100  
14200'

GENERAL DEVELOPMENT PLAN  
KINGSBURY HILLS  
ROCHESTER, MN



R o c h e s t e r  
M i n n e s o t a

1648 Third Avenue S.E.  
Rochester, MN 55904

Tel. 507.289.3919

Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1941

# SUBSTANTIAL LAND ALTERATION

December 18, 2002

Mr. Brent Svenby  
Consolidated Planning Department  
2122 Campus Drive  
Rochester, MN 55904

RE: Exemption from Section 62.1101.2 (a) for Kingsbury Hills Fourth Subdivision

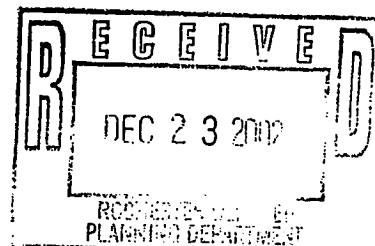
Dear Mr. Svenby:

Section 62.1101 of the Rochester Land Development Manual and Zoning Ordinance contains new standards for substantial land alteration projects. The grading of the Rose Harbor Estates Fifth site will result in exceeding a 10-foot vertical fill over various portions of the site. This project meets the definition of Section 62.1101.2.a.1(d) where the cut/fill involves a grade change of 10-feet or more from the pre-existing grades. The enclosed general development plan indicates the cut and fill areas on the site. The maximum fill would be approximately 12' and the maximum cut would be approximately 18 feet.

Section 62.1102.1.F provides for an exemption provided there are sufficient findings made as contained in 62.1105. The following are suggested findings in support of the request:

Section 62.1105(1-15).

1. The activity necessary to grade the portions in excess of 10-foot vertical cut/fill will not result in unstable slopes or unsafe access. The slopes on the site will be a maximum of 3:1 and only a small portion of the grading would involve cuts or fills in excess of 10'.
2. The environmental impacts of grading on this site to adjacent properties will be minimal.
3. There is access to the site from the east, west and north. It will not be necessary to truck in fill or haul fill off of the site, which will minimize the impact on the surrounding roads.
4. The additional grading will not adversely affect air quality, the ground water, or surface water quality.
5. The natural topography of the area will be re-graded to provide adequate slopes for single – family dwellings for this development and the overall scenic quality will be maintained.
6. The grading is compatible with the proposed adjacent neighborhood developments.
7. The grading will be confined to the Kingsbury Hills Fifth site, and will not – unduly affect the use and enjoyment of adjacent properties.





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8. The grading activity will take place in one phase taking approximately 12 weeks. There are homes in the immediate area that will be visually affected by the grading activity for only a short time during the grading process.
9. The grading plan will provide for proper restoration stabilization in accordance with the codes for the City of Rochester.
10. The grading will not result in negative impacts on the drainage patterns. The grading of the site is such that run-off is directed to appropriate locations in the street and handled through the City storm water plan.
11. The area of grading does not contain sinkholes and will not affect the groundwater or the subsurface water quality once restoration and stabilization is completed. The existing wetlands are proposed to be replaced on-site.
12. The grading of the site will take place in one phase taking approximately 12 weeks. This time frame is appropriate for the size and location of this activity.
13. Permanent and interim (during construction) erosion/sedimentation control will be provided for in the grading plan. The city will review and approve this city/owner contract.
14. A performance and payment bond is required for all work associated with the construction of the public improvements. This bond will be submitted with the city/owner contract.
15. This development will comply with the standards in the Land Development Manual and on file with Public Works.

Very truly yours,

McGHIE & BETTS INC.

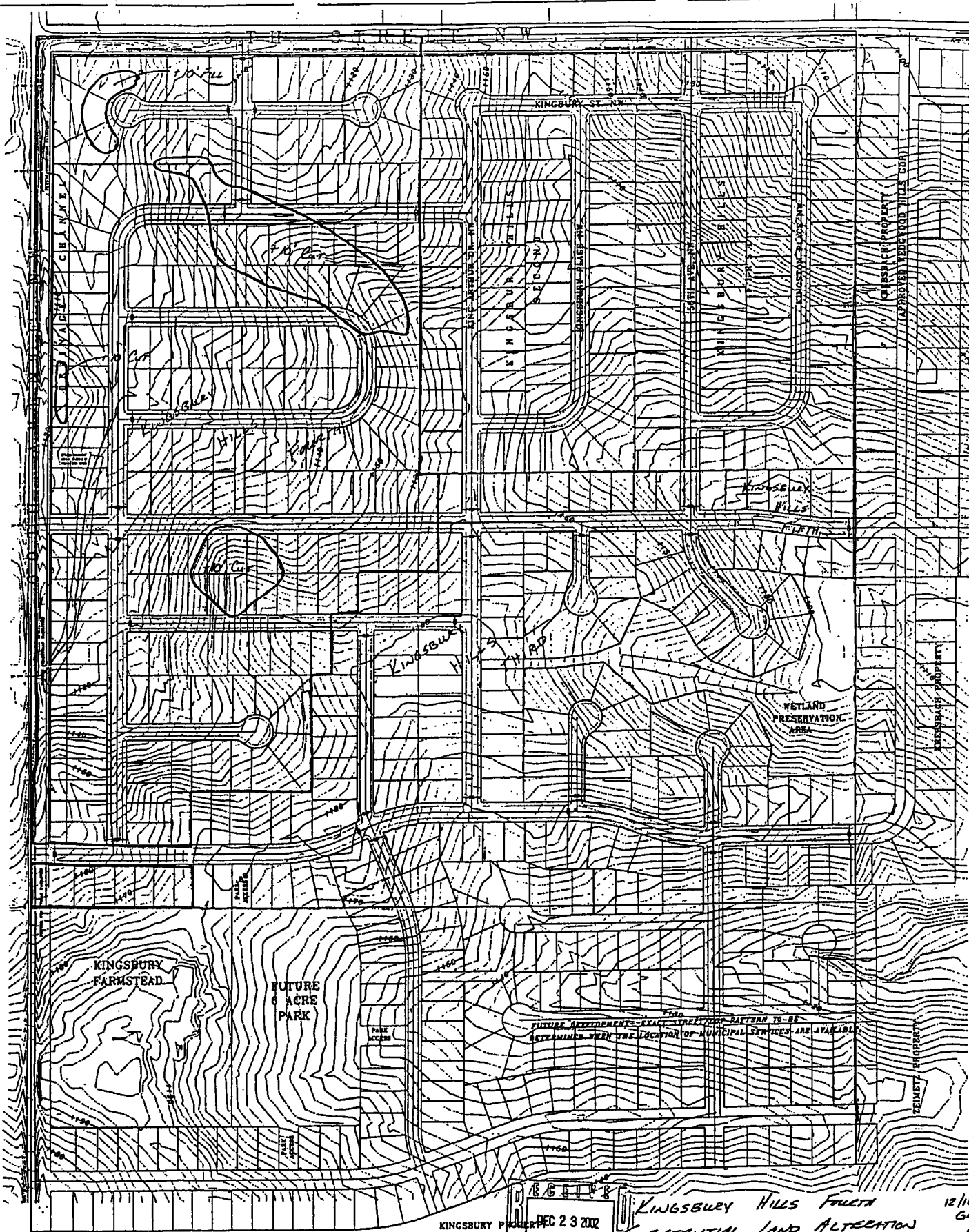
Gregory R. Bond

GRB/b

pc: Ward Opitz



# SUBSTANTIAL ' AND ALTERATION



651 LOTS  
203 ACRES  
3.2 UNITS/ ACRE

RECOMMENDED FOR APPROVAL BY:	
CITY PLANNING DEPARTMENT	
DATE	APPROVED BY THE BOARD OF SUPERVISORS
DATE	APPROVED BY THE BOARD OF SUPERVISORS

NO.	DATE	DESCRIPTION	BY
1	12/18/02	RECEIVED	ROCHESTER DISTRICT

KINGSBURY PROJECT  
DEC 23 2002



Kingsbury Hills Phase I  
SUBSTANTIAL LAND ALTERATION

12/18/02  
GEB  
1084/2577

PROJECT NO.	1084/2577
DATE	12/18/02
BY	GEB
CHECKED BY	
DATE	

GENERAL DEVELOPMENT PLAN  
KINGSBURY HILLS  
ROCHESTER, MN

Improvement District, and shall be subject to a TID area charge based on the gross acreage of the subdivision.

\* Preliminary Plat # 02-64 to be known as Kingsbury Hills Fourth, by Bigelow & Sons Enterprises. The plat contains 61.81 acres to be subdivided into 200 single-family home lots and 6 outlots. The plat includes a request for a Design Modification to eliminate 2 mid-block pedestrian connections between the proposed Castlevue Ave. NW & 60<sup>th</sup> Ave. and a Substantial Land Alteration Permit to allow grade changes in excess of 10 feet. The property is located at the SE corner of 55<sup>th</sup> St. NW & 60<sup>th</sup> Ave. NW.

Ms. Mitzi A. Baker presented the staff report, dated January 16, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that condition number 6 should be stated as follows (due to a typo):

6. Controlled access is required along the entire frontage of 55<sup>th</sup> St. NW, and 60<sup>th</sup> Ave. NW, with the exception of any approved street accesses. Additional controlled access is required along the entire frontage of Lot 1, Block 3, and Lot 1, Block 1 that abut 58<sup>th</sup> Ave. NW, and along the entire frontage of Lot 33, Block 1, and Lot 1, Block 2 abutting 51<sup>st</sup> St. NW, and along the entire frontages of Lot 14, Block 2, and the westerly 30.96 feet of frontage of Lot 1, Block 12, abutting Kingsbury Drive NW.

Mr. Quinn asked if separate motions needed to be made.

Ms. Baker responded that one motion could be made as long as it is clear in the motion.

The applicant's representative, Mr. Ward Opitz, of 5955 118<sup>th</sup> Avenue NW, Byron MN, addressed the Commission. He stated that he was in agreement with all of the staff recommendations.

Mr. Opitz expressed concern with condition number 13 listed in the staff report. He explained the need to know if additional right-of-way would be required or not.

Ms. Baker explained that condition number 13 was recommended because there is a land use plan amendment before the County Board requesting the land west of 60<sup>th</sup> Avenue NW be added to the Urban Service Area for the City of Rochester. With the consideration of adding the land into the Urban Service Area, it would significantly change traffic patterns and volumes along the entire corridor. Considering the potential for future urban development west of 60<sup>th</sup> Avenue NW, which previously had not been planned for, it is important to plan for transportation improvements that will be necessary to serve the area.

Ms. Wiesner asked what the time frame was.

Ms. Baker responded that staff hoped to make a determination between now and the submittal of the final plat.

Mr. Opitz responded that he planned to submit a final plat in March 2003.

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Ms. Baker stated that staff is waiting for the County Board to make a decision, which may not occur until April 2003.

Mr. Josh Johnson, of McGhie and Betts, addressed the Commission. He stated that he was in the process of working on the Welch property on the north side of 55<sup>th</sup> Street NW. He stated that he understands that the projected right-of-way for 60<sup>th</sup> Avenue NW to be 100 feet to centerline.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Staver moved to recommend approval of Preliminary Plat # 02-64 to be known as Kingsbury Hills Fourth, Substantial Land Alterations, and Design Modification, by Bigelow & Sons Enterprises with staff-recommended findings and conditions (as revised). Mr. Quinn seconded the motion. The motion carried 6-0.

**CONDITIONS:**

1. Storm water management must be provided, and a storm water management fee will apply to any areas of this proposed development that participate in the City's Storm Water Management Plan, and do not drain to an existing on-site detention facility. Additionally, off site easements are required for the storm water discharge to areas outside of this subdivision, and for proposed sanitary sewer and watermain that extend beyond the plat boundaries.
2. "No Parking" signs shall be posted along 50<sup>th</sup> St. NW, within 200 feet of the right-of-way intersection with 60<sup>th</sup> Ave. NW.
3. Parkland dedication requirements shall be met via deferred land dedication and cash in lieu of land per the December 30, 2002 memorandum from Rochester Park and Recreation.
4. Following Final Plat, Outlots "A", "B", "C", "D", "E" and "F" shall be dedicated to the City.
5. Pedestrian facilities are required along both sides of all new public roads, as well as a bituminous path along the entire southerly frontage of 55<sup>th</sup> Street NW, and the easterly frontage of 60<sup>th</sup> Ave. NW. IN addition, the Developer is obligated to construct the 10 foot wide bituminous paths in Outlots "C" through "F". Execution of a Pedestrian Facilities Agreement is required to address the Owner's obligations related to pedestrian facilities, including its cash contribution requirements for facilities that the City will be constructing.
6. Controlled access is required along the entire frontage of 55<sup>th</sup> St. NW, and 60<sup>th</sup> Ave. NW, with the exception of any approved street accesses. Additional controlled access is required along the entire frontage of Lot 1, Block 3, and Lot 1, Block 1 that abut 58<sup>th</sup> Ave. NW, and along the entire frontage of Lot 33, Block 1, and Lot 1, Block 2 abutting 51<sup>st</sup> St. NW, and along the entire frontages of Lot 14, Block 2, and the westerly 30.96 feet of frontage of Lot 1, Block 12, abutting Kingsbury Drive NW.
7. Adequate public facilities are not currently in place to serve this proposed

development. The timing for development of this subdivision is dependant on the extension of Trunkline Sanitary Sewer to provide gravity service. The timing of construction, and financial obligations of the Owner, shall be addressed for the infrastructure that is needed to meet the "Adequate Public Facilities" requirement in the LDM, prior to Final Plat approval.

8. Wetlands exist on this property. Approval is contingent upon obtaining appropriate permits to fill or otherwise disturb wetlands. No grading work is to occur within Wetland areas prior to securing proper permits.
9. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
10. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.
11. Hydrant spacing identified on the preliminary plat is inadequate. Additional hydrants, meeting the requirements shall be provided with the final construction plans.
12. Roadway names shall be modified as identified in the December 27, 2002 memorandum from the Planning Department addressing staff and shall be reflected on the Final Plat application.
13. Lot 1, Block 12, or a portion thereof, may need to be reserved for future right-of-way needs. Prior to Final Plat application for this portion of the development, a determination will need to be made relative to future right-of-way needs for 60<sup>th</sup> Ave. NW. The Final Plat shall be modified to reserve additional land for future right-of-way for 60<sup>th</sup> Ave., if determined necessary.

Preliminary Plat # 02-65, to be known as Kingsbury Hills Fifth Subdivision, by Bigelow & Sons Enterprises. The plat contains 2.69 acres to be subdivided into 11 single-family home lots. The property is located southerly of and adjacent to the SE corner of Kingsbury Hills Subdivision and east of the present dedicated right-of-way for 51<sup>st</sup> Street NW in Kingsbury Hills Third Subdivision.

Ms. Mitzi A. Baker presented the staff report, dated January 16, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner asked why the plat was for such a small area.

The applicant's representative, Mr. Ward Opitz, of 5955 118<sup>th</sup> Avenue NW, Byron MN, addressed the Commission. He stated that they could not include it in Kingsbury Hills Fourth because it was not contiguous. The sewer connection would be coming from Wedgewood. He stated that the applicant agreed with staff's recommendations and conditions.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.